

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In re:) Chapter 11 Case No. 20-10334-TPA
)
JOSEPH M. THOMAS, M.D.,) Related to Doc. No. 576
Debtor)

STIPULATION AND CONSENT ORDER

AND NOW, this ____ day of August, 2022, comes Quinn, Buseck, Leemhuis, Toohey, & Kroto, Inc. (“Quinn Law”), Marsh Schaaf, LLP (“Marsh Schaaf”), MacDonald Illig Jones & Britton, LLP (“MIJB”), and Knox McLaughlin Gornall & Sennett, P.C. (“Knox Law”) (together referred to as the “Estate Professionals”), and file this Stipulation and Consent Order (the “Stipulation”), as follows:

WHEREAS, pursuant to, *inter alia*, Section VI(a) of the 2nd Amended Chapter 11 Plan of Reorganization dated October 7, 2021 (Doc. No. 521 in Case No. 20-10334), filed by the Debtor, Joseph Martin Thomas, M.D. (“Dr. Thomas”), as confirmed by Order of Court dated January 7, 2022 (the “Thomas Confirmed Plan”), administrative professional fee claims shall be paid from the liquidation of personal assets;

WHEREAS, pursuant to, *inter alia*, Paragraph 5.3 of the Joint Amended Chapter 11 Plan of Reorganization dated October 7, 2021 (Doc. No. 769 in Case No. 20-10049), filed by the Debtor, Tri-State Pain Institute, LLC (“Tri-State”), as confirmed by Order of Court dated January 7, 2022 (the “Tri-State Confirmed Plan”) (together with the Thomas Confirmed Plan, the “Confirmed Plans”), Dr. Thomas contemplates paying Administrative Expense Claims for other Related Entities such as Tri-State;

WHEREAS, pursuant to Dr. Thomas's Motion Requesting Public Auction Sale Confirmation Order filed at Doc. No. 656, it appearing that there is \$28,040.00 escrowed with Quinn Law that is available for distribution to the Estate Professionals in these Cases;

WHEREAS, pursuant to Dr. Thomas and Tri-State having made regular deposits into escrow for the payment of Administrative Expense Claims in accordance with the Confirmed Plans, it appearing that after payment of prior Court Orders there is \$23,733.36 escrowed with Quinn Law that is available for distribution to the Estate Professionals in these Cases;

WHEREAS, pursuant to Employee Retention Tax Credits ("ERC") claimed and received by Tri-State, it appearing that there is \$250,841.65 escrowed with Quinn Law that is available for distribution to the Estate Professionals in these Cases;

WHEREAS, based upon the recommendation of Dr. Thomas's court-approved accountants, Schaffner, Knight, Minnaugh & Co., P.C., \$20,000.00 shall be set aside for anticipated future tax liabilities generated by the income of Tri-State;

WHEREAS, upon information and belief, both Dr. Thomas and Tri-State are current on all other payment obligations as set forth in their Confirmed Plans;

WHEREAS, upon consideration of the allowed and pending fee applications in these Cases, including but not limited to those fee application schedules filed in these Cases on or about November 23 & 24, 2022 (Doc. Nos. 545 & 546 in Case No. 20-10334 and Doc. Nos. 790 & 796 in Case No. 20-10049), as well as subsequent fee applications filed by the Estate Professionals, it appearing that there is more than \$845,000.00 of fees payable to the Estate Professionals in these Cases;

WHEREAS, upon consideration of the fees payable to the Estate professionals in these Cases, the current percentage of *total fees paid versus total fees requested* is as follows:

PAYEE	TOTAL FEES PAID	TOTAL FEES REQUESTED	PERCENTAGE PAID
Quinn Law	\$169,833.55	\$585,180.69	29%
MIJB	\$80,037.36	\$239,067.22	33%
Knox Law	\$161,385.12	\$342,250.43	47%
Marsh Schaaf	\$132,007.55	\$224,517.71	59%

THEREFORE, because the Estate Professionals still anticipate additional funds for distribution from Dr. Thomas's net operating loss carryback tax plan, and in an effort to equalize the above-referenced percentages in the interim, after which Quinn Law, MIJB, and Knox Law will be at *approximately 59%*, it is ORDERED that \$281,773.36 shall be immediately paid to the Estate Professionals on account, as follows:

PAYEE	PERCENT OF AVAILABLE CASH	AMOUNT TO BE PAID
Quinn Law	63%	\$178,417.03
MIJB	22%	\$61,451.48
Knox Law	15%	\$41,904.85

Dated: _____

Thomas P. Agresti, Judge
United States Bankruptcy Court

STIPULATED TO BY:

/s/ Gary V. Skiba

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